

Attachment to form PTO-90

1. The reply filed on 1/13/10 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the claim qualifier for claim 20 in the listing of claims filed with the 1/13/10 response should be corrected. Specifically, claim 20 should be marked with the qualifier "(withdrawn)". It should be noted, it was *applicant* that indicated claim 20 was not readable on the elected species (i.e. withdrawn from consideration) in the response of 7/29/09. In the 7/29 response, applicant indicated that "The species of figure 7 is also elected. Claims 17-19 and 21-23 read on the elected species." It is improper for applicant to change interpretation of which claims are considered readable on an elected embodiment after an action on the merits has been received.

As is current Office practice, withdrawn claim 20 will be rejoined with the application upon finding of allowable subject matter in a generic claim from which the claim depends. At such time that rejoinder of claim 20 is appropriate, the examiner will make every effort to assist applicant in placing claim 20 in allowable form.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gordon/
Primary Examiner
Art Unit 3612

stg